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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**
13

14 LEISA E. WHITTUM,

15 Plaintiff,

16 v.

17 AT&T MOBILITY LLC,

18 Defendants.
19
20

Case No. 2:20-cv-01291-GMN-BNW

**STIPULATION AND [PROPOSED] ORDER
GRANTING PLAINTIFF LEAVE TO
AMEND HER COMPLAINT AND RELATED
RELIEF**

21 LEISA E. WHITTUM (“Plaintiff”) and AT&T MOBILITY LLC (“AT&T”), collectively the
22 “Parties,” by and through their counsel of record, stipulate and jointly request for an order that grants
23 Plaintiff leave to file an amended complaint, that vacates the Court’s Amended Scheduling Order,
24 dated April 20, 2021 (ECF No. 29), the sets forth a timetable for AT&T to file a responsive pleading
25 or a motion under Rule 12 of the Federal Rules of Civil Procedure (the “Rules”), and that requires the
26 Parties to submit a stipulated second amended discovery plan and proposed scheduling order as
27 contemplated by Local Rule 26-1 after AT&T files a responsive pleading.
28

1
2 WHEREAS, Plaintiff filed her Complaint on July 1, 2020 against AT&T alleging violations
3 of the Telephone Consumer Protection Act (TCPA) and state law causes of action. *See* ECF No. 1
4 (Counts I and II).

5 WHEREAS, the Court stayed this matter on December 17, 2020, pending the United States
6 Supreme Court's decision in *Facebook v. Duguid*;

7 WHEREAS, the Supreme Court issued a decision in *Facebook v. Duguid* on April 1, 2021;

8 WHEREAS, the parties submitted a Joint Status Report (ECF No. 27) and First Amended
9 Discovery Plan and Proposed Scheduling Order (ECF No. 27-1) that was premised on Plaintiff
10 pursuing the Complaint and the TCPA claims stated therein;

11 WHEREAS, the Court entered the First Amended Discovery Plan and Scheduling Order on
12 April 20, 2021 (ECF No. 29);

13 WHEREAS, Plaintiff informed AT&T on May 4, 2021, that she intends to amend the
14 Complaint which will not include the TCPA causes of action;

15 WHEREAS, AT&T has reviewed but not evaluated the substance of Plaintiff's proposed
16 amended complaint which was provided to AT&T on May 27, 2021;

17 WHEREAS, AT&T does not oppose the filing of Plaintiff's proposed amended complaint per
18 Rule 15(a)(2);

19 WHEREAS, AT&T will need time to evaluate the substance of Plaintiff's proposed amended
20 complaint and its legal and factual defenses in light of the proposed amendments and to prepare
21 AT&T's responsive pleading or motion under Rule 12;

22 WHEREAS, the parties agree that a second amended scheduling order will be necessary after
23 AT&T files a responsive pleading to the amended complaint;

24 WHEREAS, Plaintiff's proposed amended complaint is in the furtherance of judicial economy
25 and will avoid unnecessary expense for the Parties, and neither Party will suffer any prejudice as a result
26 of the amended complaint;

27 NOW THEREFORE, the Parties hereby stipulate and jointly request this Court issue an Order as
28 follows: 1) Plaintiff is granted leave to file an amended complaint no later than June 4, 2021; 2) AT&T's

responsive pleading under Rule 12(a) or motion under Rule 12(b) will be due on or before June 29, 2021;
and 3) the parties shall provide a stipulated second amended discovery plan and proposed scheduling order
as contemplated by LR 26-1 within 14 days after AT&T files a responsive pleading under Rule 12(a).

DATED: June 1, 2021

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ORDER

Good cause having been shown, and on stipulation of the Parties, the Court hereby orders the
following:

1. The First Amended Discovery Plan and Scheduling Order (ECF No. 29) is vacated;
2. Plaintiff is granted leave to file an amended complaint no later than June 4, 2021;
3. AT&T's responsive pleading or motion under Rule 12 will be due no later than June 25, 2021; and
4. The Parties will submit a stipulated second amended discovery plan and proposed scheduling order as contemplated by LR 26-1 within 14 days of AT&T filing its responsive pleading under Rule 12(a).

IT IS SO ORDERED

DATED: 10:05 am, June 04, 2021


BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE